

The Department proposes that the Board adopt a new regulation designated as 20.2.87 NMAC - *Greenhouse Gas Emissions Reporting*. Revisions to the July 11, 2007 version published for public comment following the EIB's July 11, 2007 meeting are highlighted in yellow and marked in strikeout and underline format.

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 2 AIR QUALITY (STATEWIDE)**  
**PART 87 GREENHOUSE GAS EMISSIONS REPORTING**

**20.2.87.1 ISSUING AGENCY:** Environmental improvement board.  
[20.2.87.1 NMAC - N, 01/01/08]

**20.2.87.2 SCOPE:** All persons who own or operate an applicable source of greenhouse gas emissions in the geographic areas within the jurisdiction of the environmental improvement board.  
[20.2.87.2 NMAC - N, 01/01/08]

**20.2.87.3 STATUTORY AUTHORITY:** Environmental Improvement Act, NMSA 1978, Section 74-1-8(A)(4), and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq., including specifically Sections 74-2-5(B)(1) & 74-2-5(C)(5)(d) & (e).  
[20.2.87.3. NMAC - N, 01/01/08]

**20.2.87.4 DURATION:** Permanent.  
[20.2.87.4 NMAC - N, 01/01/08]

**20.2.87.5 EFFECTIVE DATE:** January 1, 2008 except where a later date is cited at the end of a section or paragraph.  
[20.2.87.5 NMAC - N, 01/01/08]

**20.2.87.6 OBJECTIVE:** The objective of this part is to establish requirements for the annual reporting of greenhouse gas emissions to the department using tools and procedures similar to those used by greenhouse gas emissions registries.  
[20.2.87.6 NMAC - N, 01/01/08]

**20.2.87.7 DEFINITIONS:** In addition to the terms defined in 20.2.2 NMAC, the following definitions shall apply to terms used in this part.

**A. "California climate action registry"** means the voluntary registry for greenhouse gas emissions established pursuant to California Health & Safety Code D. 26, Pt. 4, Ch. 6 (West 2007).

**B. "Carbon dioxide equivalent"** means quantity of a given greenhouse gas multiplied by a conversion factor provided in the emissions reporting tool and procedures under Subsection B of 20.2.87.202. NMAC.

**C. "Direct emissions"** means emissions from sources at the facility.

**D. "Emission report or inventory"** means a listing, by source, of the amount of air pollutants discharged into the atmosphere.

**E. "Equity share"** means the extent of economic interest held in a facility, which is typically the same as ownership percentage.

**F. "Facility"** means any building, structure, facility, or installation that emits or may emit any greenhouse gas.

**G. "Indirect emissions"** means emissions that are a consequence of the operation under the control of the person filing a report, but which occur at a source owned or controlled by another entity.

**H. "Metric ton"** means 2204.62 pounds.

**I. "Operational control"** means having the authority to introduce and implement operating policies at the facility or operation.

**J. "Reporting year"** means the calendar year in which emissions required to be reported under this part occurred.

1 **K.** “The climate registry” means the nonprofit corporation by that name incorporated under the District of  
2 Columbia Nonprofit Corporation Act with a for the purpose of creating and operating a multi-state greenhouse gas emissions  
3 registry.  
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5 [20.2.87.7 NMAC - N, 01/01/08]  
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7 **20.2.87.8 SEVERABILITY.** If any provision of this part, or the application of such provision to any person or  
8 circumstance, is held invalid, the remainder of this part, or the application of such provision to persons or circumstances other  
9 than those as to which it is held invalid, shall not be affected thereby.

10 [20.2.87.8 NMAC - N, 01/01/08]  
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12 **20.2.87.9 CONSTRUCTION.** This part shall be liberally construed to carry out its purpose.

13 [20.2.87.9 NMAC - N, 01/01/08]  
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15 **20.2.87.10 SAVINGS CLAUSE.** Repeal or supersession of prior versions of this part shall not affect any  
16 administrative or judicial action initiated under those prior versions.

17 [20.2.87.10 NMAC - N, 01/01/08]  
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19 **20.2.87.11 COMPLIANCE WITH OTHER REGULATIONS.** Compliance with this part does not relieve a person  
20 from the responsibility to comply with any other applicable federal, state, or local regulations.

21 [20.2.87.11 NMAC - N, 01/01/08]  
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23 **20.2.87.12 to 20.2.87.199 [RESERVED]**  
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25 **20.2.87.200 APPLICABILITY**

26 **A.** The following shall report greenhouse gases under this part, with 2008 as the first greenhouse gas reporting  
27 year.

28 (1) Any owner or operator of a facility at which the sum of the nameplate capacity of all electrical generating  
29 units is equal to or greater than twenty-five megawatts of electricity.

30 (2) Any owner or operator of a petroleum refining facility with a NAICS code 32411.

31 (3) Any owner or operator of a cement manufacturing facility with a NAICS code 32731.

32 **B.** Owners or operators that are not required to report greenhouse gas emissions under this part may do so  
33 voluntarily.

34 **C.** Owners or operators that are required to report greenhouse gas emissions under this part may voluntarily  
35 include additional emissions that are not required under this part.

36 **D.** Owners or operators required to report greenhouse gas emissions under this part may register and verify  
37 their greenhouse gas emissions with the climate registry or the California climate action registry. Owners or operators that  
38 have so registered and verified their greenhouse gas emissions for the greenhouse gas emissions reporting year shall be  
39 deemed to be in compliance with this part for that reporting year if:

40 (1) the greenhouse gas emissions reported for the reporting year include, at a minimum, the emissions that  
41 would be reported for that owner or operator for that year under this part; and

42 (2) the department has access to, at a minimum, the information required by subsection B this regulation.  
43 [20.2.87.200 NMAC - N, 01/01/08]  
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45 **20.2.87.201 GREENHOUSE GAS EMISSIONS REPORTING REQUIREMENTS**

46 **A.** Requirements for the first reporting year. The owner or operator shall report at a minimum all direct  
47 emissions of carbon dioxide from the facility, except as provided in subsection D of this section.

48 **B.** Requirements for the second reporting year. The owner or operator shall report at a minimum:

49 (1) all direct emissions of carbon dioxide from the facility, except direct emissions from motor and nonroad  
50 vehicles; and

51 (2) indirect greenhouse gas emissions from all electricity, steam, and heat purchased and consumed at the  
52 facility.

53 **C.** Requirements for the third and subsequent reporting years. The owner or operator shall report at a  
54 minimum:

55 (1) all direct emissions of greenhouse gases from the facility, except direct emissions from motor and nonroad  
56 vehicles; and

(2) indirect greenhouse gas emissions from all electricity, steam, and heat purchased and consumed at the facility.  
[20.2.87.201 NMAC - N, 01/01/08]

#### **20.2.87.202 GREENHOUSE GAS EMISSIONS REPORTING PROCEDURES**

**A.** Owners or operators that meet the applicability requirements in section 20.2.87.200 NMAC shall submit annual greenhouse gas emissions reports under this part. Greenhouse gas emissions reports shall apply to a calendar year.

**B.** Except as provided under Subsection D of 20.2.87.200 NMAC, reporting shall be conducted using the greenhouse gas emissions reporting tool and procedures provided by the department. Such tool shall be consistent with the reporting procedures. The reporting and procedures shall:

(1) be made available by the department to the public for review and comment at least sixty days prior to the beginning of a greenhouse gas emission reporting year; department notifications of the availability of the tool and procedures for review may be made electronically or in writing;

(2) be consistent, to the extent feasible, with emissions quantification methods and best practices accepted by the climate registry or the California climate action registry;

(3) include recommended methods for estimation of greenhouse gas emissions from equipment and processes for which emissions calculations are required, including conversion factors for each greenhouse gas into carbon dioxide equivalent, and the supporting data that is required for use of such methods;

(4) include alternate methods for estimation of greenhouse gases, where such alternate methods are available and appropriate;

(5) provide, as the department deems appropriate, for simplified and limited documentation of emissions that collectively account for five percent or less of total facility emissions, expressed as carbon dioxide equivalent;

(6) require that the owner or operator include in each annual report a certification signed by the owner or operator attesting that the statements and information contained in the emissions report are true and accurate to the best knowledge and belief of the certifying official, and including the full name, title, signature, date of signature, and telephone number of the certifying official;

(7) include provisions to report:

- (a) the name and address of the reporting owner or operator;
- (b) the name and telephone number of the person to contact regarding the emissions report;
- (c) for emissions from facilities within the jurisdiction of the environmental improvement board, the county in which the facilities are located;
- (d) for emissions from facilities located on tribal lands, if reported, the tribe or pueblo;
- (e) for emissions from facilities located in another state or territory of the United States, if reported, the state or territory;
- (f) for emissions from facilities located in another country, if reported, the country;
- (g) fuel use, including amounts and specifications of each fuel type, directly related to reported emissions;
- (h) the means to document methods utilized to make emissions calculations, if different from the methods incorporated into the tool;
- (i) calculations for emissions of each reported greenhouse gas and the means to sum all reported greenhouse gases, in units of metric tons of carbon dioxide equivalent, including emissions occurring during regular operation, maintenance, start-ups, shutdowns, upsets, and malfunctions; and
- (j) a listing, including percentages, of the owners of equity shares of the emissions reported.

**C.** Reporting owners or operators shall submit reports required under this part by July 1 of the year following the greenhouse gas emissions reporting year.

[20.2.87.202 NMAC - N, 01/01/08]